

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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T.J. HARKINS,

Plaintiff,

-against-

M.V. "CMA CGM ELBE",
her engines, boilers, etc.,

-and against-

MARITIME FREIGHT AMERICA CORP.
and CHINA SHIPPING CONTAINER
LINES CO., LTD.,

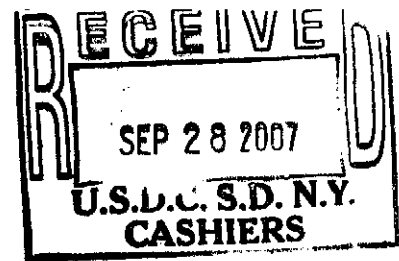
Defendants.

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JUDGE BATTS

VERIFIED COMPLAINT

07 CIV 8429



1. This is a case of contract, cargo damage and non-delivery of cargo, civil and maritime and is an admiralty and maritime claim within the meaning of the Rule 9(h). Plaintiff invokes the maritime procedures specified in Rule 9(h).
2. Plaintiff, T.J. HARKINS, is a legal entity organized under the law, with an office located at 935 N. Lively Blvd., Wood Dale, Illinois 60191. Defendant, MARITIME FREIGHT AMERICA CORP., is a legal entity organized under the law, with an office located at 701 Newark Avenue, Suite 300, Elizabeth, New Jersey 07206. Defendant, CHINA SHIPPING CONTAINER LINES CO., LTD., is a legal entity organized under the law, with an agent, CHINA SHIPPING (NORTH AMERICA) HOLDING CO. LTD., with an office located at 11 Philips Parkway, Montvale, New Jersey 07645.

3. During all times herein mentioned, defendant was the owner and/or operator of the M.V. "CMA CGM ELBE" and operated it in the common carriage of goods by water for hire between Bremerhaven and New York.
4. The M.V. "CMA CGM ELBE", is now or during the pendency of this action will be, within this District.
5. On or about December 24, 2006, Equus S.R.O. delivered a shipment of 760 bags of poppy seeds to defendants, as a common carriers at the port of Bremerhaven in good condition, for transportation on board the M.V. "CMA CGM ELBE" to New York, in consideration of an agreed freight and pursuant to the valid terms and conditions of clean on-board bills of lading issued by defendants and the M.V. "CMA CGM ELBE".
6. Defendant caused said goods, still in good order and condition to be laden on board the M.V. "CMA CGM ELBE". On or about January 15, 2007, the M.V. "CMA CGM ELBE" arrived at the port of New York and delivered said shipment in a short, slack and damaged condition.
7. Prior to January 15, 2007, plaintiff became for value the owner of said shipment and the owner and holder of said clean on-board bill of lading and brings this suit on its own behalf and that of all others interested in said shipment.
8. All conditions precedent required of plaintiff and of all others interested in said shipment have been performed.
9. By reason of the premises, plaintiff and those on whose behalf this suit is brought have sustained damages in the sum of \$10,000, as nearly as the same can now be estimated, no part of which has been paid although duly demanded.

WHEREFORE, plaintiff prays:

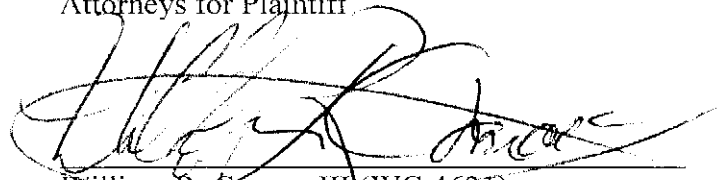
1. That the M.V. "CMA CGM ELBE" be arrested;
2. That process issue against defendants MARITIME FREIGHT AMERICA CORP. and CHINA SHIPPING CONTAINER LINES CO., LTD. and that defendants be cited to appear and answer the allegations of the complaint;
3. That an interlocutory judgment be entered in favor of the plaintiff against the M.V. "CMA CGM ELBE", against defendants directing that the plaintiff recover its damages and that the M.V. "CMA CGM ELBE", be condemned and sold and the proceeds of sale be applied to the payment to plaintiff of the sums found due it;
4. That the amount due plaintiff be computed by further proceedings before a Magistrate, pursuant to Rule 53(b) and/or by further proceedings before the Court, pursuant to Rule 42(b);
5. That final judgment against defendant and the M.V. "CMA CGM ELBE", be entered in favor of the plaintiff for the amount found due plaintiff with interest and with costs; and
6. That plaintiff have such other and further relief as may be just.

Dated: New York, New York
September 25, 2007

McDERMOTT & RADZIK, LLP.

Attorneys for Plaintiff

By

A large, stylized handwritten signature in black ink, likely belonging to William R. Connor III, is written over a horizontal line.

William R. Connor III (WC 4631)

Wall Street Plaza

88 Pine Street

New York, New York 10005

212-376-6400

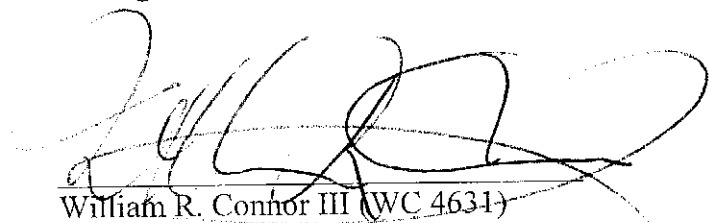
STATE OF NEW YORK)
 : S.S.
COUNTY OF NEW YORK)

WILLIAM R. CONNOR III, being duly sworn, deposes and says:

I am a member of the firm of McDermott & Radzik, LLP. attorneys for the Plaintiff in this action.

I have read the foregoing Verified Complaint, know the contents thereof, and the same is true to the best of my knowledge, information and belief.

The sources of my information and the grounds of my belief are documents in the possession of my firm.



William R. Connor III (WC 4631)

Sworn to before me this 25th
day of September, 2007



Notary Public

LORI J. QUINN
Notary Public, State of New York
No. 01QU5062709
Qualified in Nassau County
Commission Expires July 1, 2010